

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RICHARD JOHN ADAMS ANDREWS,

Petitioner,

v.

WARDEN,

Respondent.

Case No. 1:23-cv-00440-HBK (HC)

ORDER TRANSFERRING CASE TO THE
NORTHERN DISTRICT OF CALIFORNIA

(Doc. No. 1)

Petitioner is proceeding pro se on his petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2254. (Doc. No. 1). Petitioner challenges his state sentence and conviction entered by the Superior Court of Santa Clara County identified as criminal docket nos. C1228874 and/or C1224366. (*Id.* at 5-13). Santa Clara County is located within the jurisdiction and venue of the San Jose Division of the United States District Court for the Northern District of California.

Under 28 U.S.C. § 2241(d), jurisdiction is proper in the judicial district where the petitioner was convicted or where the petitioner is incarcerated. *See* 28 U.S.C. § 2241(d); *Rumsfeld v. Padilla*, 542 U.S. 426, 428 (2004). However, “[f]or the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought.” 28 U.S.C. § 1404(a). Federal courts in California generally hear petitions for writ of habeas corpus in the district of conviction. *Favor v.*

1 *California*, No. 116-CV-01912-DAD-EPG-HC, 2017 WL 2671006, at *1 (E.D. Cal. June 21,
2 2017) (*citing Laue v. Nelson*, 279 F. Supp. 265, 266 (N.D. Cal. 1968)).

3 Thus, the Court finds in its discretion “and in furtherance of justice” the petition should
4 be transferred to the Northern District of California. 28 U.S.C. §§ 1404(a), 2241(d).

5 **Accordingly:**

6 1. The Clerk shall transfer this action to the United States District Court for the Northern
7 District of California, San Jose Division; and

8 2. All future filings shall reference the new case number assigned and shall be filed at:

9
10 United States District Court
11 Northern District of California
12 San Jose Division
280 South 1st Street, Room 2112
San Jose, CA 95113

13 Dated: March 24, 2023

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15 HELENA M. BARCH-KUCHTA
16 UNITED STATES MAGISTRATE JUDGE
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